

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Figure 5A. This sheet, which includes Figure 5A, replaces the original sheet including Figure 5A. In Figure 5A, previously omitted element identifier 103 has been added.

Attachments: One (1) Replacement Sheet
One (1) Annotated Sheet Showing Changes

REMARKS

A. Background

Claims 1-43 were pending in the application at the time of the Office Action. The Office Action objected to the specification and drawings on formal grounds. Claims 1, 2, 4, 7-16, 22, 24, 28-30, 32-34, 36, 37, and 39-41 were rejected as being anticipated by cited art. Claims 3, 21, and 23 were rejected as being obvious over cited art. Claims 5, 6, 17-20, 25-27, 31, 35, 38, and 43 were objected to as being dependent upon a rejected base claim. By this response applicant has amended the specification and drawings so as to address the formal issues. Applicant has also amended claims 1, 5, 6, 12, 16, 18-20, 25, 28, 39, and 40; cancelled claims 4, 17, 30, 31, 35, and 43; and added new claim 44. As such, claims 1-3, 5-16, 18-29, 32-34, 36-42, and 44 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

1. Specification and Drawing Amendments

By this response, Applicant has amended the specification and the drawings as per the Examiner's recommendations. Specifically, Paragraph [0026] of the specification has been amended to capitalize the trademark "MAXISTIRRER." Element label '103' has been added to Figure 5A to identify the "hole" referred to in Paragraph [0041] and Paragraph [0041] of the specification has been amended accordingly.

To facilitate the Examiner's consideration and approval of the proposed drawing changes, duplicate copies of sheet 5 containing Figure 5A are being transmitted herewith. The submitted copies include a clean sheet containing the amendments and a supplemental sheet showing the amendments marked thereon.

In view of the foregoing discussion, applicant respectfully submits that the amendments to the drawings and the specification do not introduce new matter and entry thereof is respectfully requested.

2. Claim Amendments

By this response applicant has amended claims 1, 5, 6, 12, 16, 18-20, 25, 28, 39, and 40, and added new claim 44. Specifically, independent claims 1, 12, 28, and 39 have been amended to incorporate the limitations of claims 35, 17, 31, and 43, respectively. New claim 44 has been added, and is the combination of prior claims 12, 24, and 38. Claims 5, 6, 18-20, and 25 have been amended to each depend from one of these independent claims. As such, the claims as presently constituted are supported by the specification as originally filed. In view of the foregoing, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejection on the Merits

1. Specification and Drawings

Paragraph 4 of the Office Action objected to the drawings due to the lack of a reference label in Figure 5A. Applicant has added a reference label to Figure 5A as per the Examiner's instructions and amended the specification accordingly. Applicant submits that in light of amendments to the drawings and specification set forth herein, the objection has been overcome and should be withdrawn.

Paragraph 7 of the Office Action objected to the specification because the current application has no section corresponding to a summary of the invention. Applicant submits that while a

summary is recommended, one is not required. 37 C.F.R. § 1.77(b) merely states that the specification *should* include a brief summary of the invention, not that it must.

2. Anticipation Rejections

Paragraphs 11 and 12 of the Office Action reject claims 1, 2, 4, 7-16, 22, 24, 28-30, 32-34, 36, 37, 39, 40, and 41 under 35 USC § 102(e) as being anticipated by U.S. Patent Publication No. 2005/0002274 to Terentiev.¹ Regarding claims 4 and 30, Applicant has cancelled these claims herein and accordingly submits that the rejection of claims 4 and 30 has thus been rendered moot and should be withdrawn. Regarding the rest of the rejected claims, as a result of amendments made herein, Applicant submits that the rejected claims are in allowable condition, as detailed below.

3. Obviousness Rejections

Paragraphs 13-15 of the Office Action reject claims 3 and 23 under 35 USC § 103(a) as being obvious over the Terentiev publication in view of U.S. Patent No. 5,988,422 to Vallot. Paragraph 16 of the Office Action rejects claim 21 under 35 USC § 103(a) as being obvious over the Terentiev publication in view of U.S. Patent No. 3,647,397 to Coleman. As a result of amendments made herein, Applicant submits that the rejected claims are in allowable condition, as detailed below.

4. Allowable Subject Matter

Paragraphs 17 and 18 objected to claims 5, 6, 17-20, 25-27, 31, 35, 38, and 43 as being dependent upon a rejected base claim, but stated that these claims would be allowable if rewritten in

¹ Because *Terentiev* is only citable under 35 U.S.C. § 102(e), Applicant does not admit that *Terentiev* is in fact prior art to the claimed invention but reserves the right to swear behind *Terentiev* if necessary to remove it as a reference.

independent form including all the limitations of the base claim and any intervening claims. As described above, applicant has herein amended independent claims 1, 12, 28, and 39 to incorporate the limitations of claims 35, 17, 31, and 43, respectively. As such, Applicant submits that independent claims 1, 12, 28, and 39 are allowable for at least the reasons that claims 35, 17, 31, and 43 were considered allowable in the Office Action. Applicant has also added new independent claim 44, which is the combination of prior pending claims 12, 24, and 38. Applicant thus submits that new claim 44 is allowable for at least the same reasons that claim 38 was considered allowable in the Office Action.

In connection with the foregoing, Applicant respectfully notes that an objection, by definition, concerns only the form of the claim(s) (as distinguished from the substance of the claim) with respect to which the objection has been posed. See MPEP §§ 706.01, 608.01(n) (emphasis added). Thus, simply rewriting a dependent claim in the manner suggested by the Examiner constitutes only a change to the format of the claim and, without more, has no effect with regard to the substance of the rewritten claim.

Because Applicant has made no change to claims 1, 12, 28, 39, and 44, (corresponding to old claims 35, 17, 31, 38, and 43, respectively) other than to rewrite such claims in independent form to include all of the limitations of the base claim and any intervening claims, Applicant respectfully submits that no change has been made herein to the substance of such claims and, further, that such claims, as rewritten herein, are now in condition for allowance.

Claims 2, 3, 5-11, 13-16, 18-27, 29, 32-34, 36-38, and 40-42 each depend from one of these rewritten independent claims and incorporate the limitations thereof. Accordingly, applicant asserts that claims 2, 3, 5-11, 13-16, 18-27, 29, 32-34, 36-38, and 40-42 are also in condition for allowance.

No other objections or rejections were set forth in the Office Action.

D. Conclusion

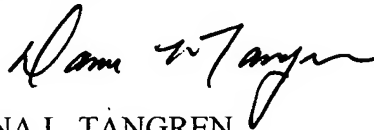
Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited prior art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-3, 5-16, 18-29, 32-34, 36-42, and 44 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 3rd day of March 2006.

Respectfully submitted,



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